

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

REBECCA E. CAHOON ET AL.

CASE NO.: BB1294 USDIV

SERIAL NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HEREWITH

EXAMINER: UNKNOWN

FOR: PLANT MYB TRANSCRIPTION FACTOR  
HOMOLOGS

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Before examination on the merits, please amend the above-referenced application as follows:

**IN THE CLAIMS**

Cancel claims 1-16.

Please add the following new claims:

17. An isolated polynucleotide comprising:

(a) a nucleotide sequence encoding a polypeptide having Myb-related transcription factor activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:36 have at least 80% sequence identity based on the Clustal alignment method, or

(b) the complement of the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.

18. The polynucleotide of claim 17, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:36 have at least 85% sequence identity based on the Clustal alignment method.

19. The polynucleotide of claim 17, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:36 have at least 90% sequence identity based on the Clustal alignment method.

20. The polynucleotide of claim 17, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:36 have at least 95% sequence identity based on the Clustal alignment method.

21. The polynucleotide of claim 17, wherein the nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:35.

22. The polynucleotide of claim 17, wherein the polypeptide comprises the amino acid sequence of SEQ ID NO:36.

23. A vector comprising the polynucleotide of claim 17.

24. A recombinant DNA construct comprising the polynucleotide of claim 17 operably linked to a regulatory sequence.

25. A method for transforming a cell comprising transforming a cell with the polynucleotide of claim 17.

26. A cell comprising the recombinant DNA construct of claim 24.

27. A method for producing a plant comprising transforming a plant cell with the polynucleotide of claim 17 and regenerating a plant from the transformed plant cell.

28. A plant comprising the recombinant DNA construct of claim 24.

29. A seed comprising the recombinant DNA construct of claim 24.

30. A method for isolating a polypeptide encoded by the polynucleotide of claim 17 comprising isolating the polypeptide from a cell containing a recombinant DNA construct comprising the polynucleotide operably linked to a regulatory sequence.

31. An isolated polynucleotide comprising a first nucleotide sequence, wherein the first nucleotide sequence contains at least 60 nucleotides, and wherein the first nucleotide sequence is comprised by another polynucleotide, wherein the other polynucleotide includes:

- (a) a second nucleotide sequence, wherein the second nucleotide sequence encodes a polypeptide having Myb-related transcription factor activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:36 have at least 80% sequence identity based on the Clustal alignment method, or
- (b) the complement of the second nucleotide sequence, wherein the complement and the second nucleotide sequence contain the same number of nucleotides and are 100% complementary.

#### **REMARKS**

Claims 1-16 have been cancelled, and claims 17-31 have been added. Claims 17-31 are pending. This application is a divisional of U.S. application serial No. 09/452,244 in which Group I R is hereby elected.

Support for the sequence identities recited in the claims is found in Table 6, page 27 of the specification. Support for claims 27-29 is found in Examples 4 and 5, pages 28-31 of the

specification. Support for claim 30 is found in the second paragraph on page 19 of the specification. Support for claim 31 is found in the paragraph bridging pages 3 and 4 of the specification.

Please charge any necessary fee to Deposit Account 04-1928  
(E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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